

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JOHN E. NEWHOUSE, II

PLAINTIFF

V.

CIVIL ACTION NO. 3:08cv78 DPJ-JCS

CAPITAL ONE BANK

DEFENDANT

ORDER OF DISMISSAL

All parties having announced to the Court that they have settled this case, and the Court being desirous that this matter be finally closed on its docket,

IT IS ORDERED that this case is hereby dismissed with prejudice as to all parties. The parties shall submit a Final Agreed Order of Dismissal within twenty (20) days. If any party fails to consummate this settlement, the Court will retain jurisdiction, and any aggrieved party may reopen the case for enforcement of the settlement within ten (10) days, and if successful, all additional attorneys' fees and costs from this date may be awarded such aggrieved party or parties against the party failing to consummate the agreement.

**SO ORDERED AND ADJUDGED** this the 28<sup>th</sup> day of January, 2009.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE